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PATENT

Attorney Docket No. 203-589CIP CON FWC CON III  
(1273 CIP CON FWC CON III)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(s): David A. Nichols et al.

EXAMINER: Unassigned

SERIAL NO: 10/037,977

GROUP: Unassigned

FILED: November 9, 2001

DATE: February 27, 2002

FOR: **ARTICULATING ENDOSCOPIC SURGICAL APPARATUS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

Prior to examination, please amend this application as follows:

**IN THE SPECIFICATION**

On page 1 of the specification, on line 3, after "application is",

Insert - - a continuation of application Serial No. 09/417,535 filed on October 14, 1999, which is a continuation of application Serial No. 09/096,380 filed on June 11, 1998, which is a continuation of application Serial No. 08/777,115 filed on December 30, 1996, which is a file wrapper continuation of application Serial No. 08/360,015 filed on December 20, 1994, which is a continuation of application Serial No. 07/925,496 filed on September 4, 1992, which is - -.

**IN THE CLAIMS**

Please cancel Claim 1.

Please add the following new claims:

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

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Date: February 27, 2002

*Christopher G. Trainor*  
Christopher G. Trainor

46. (New) An endoscopic surgical apparatus comprising:
- a handle portion;
  - an endoscopic portion extending distally from the handle portion, the endoscopic portion including an elongated tubular section having a proximal end and a distal end;
  - an articulating portion pivotally supported on the distal end of the elongated tubular section;
  - a tool head supported by the articulating portion, the tool head including cooperating jaws, the jaws being movable in relation to each other between open and closed positions;
  - a link supported within the endoscopic portion, the link having a distal end operatively connected to the articulating portion and being movable within the endoscopic portion to pivot the articulation portion about an axis transverse to a longitudinal axis of the endoscopic portion; and
  - an actuation member supported within the endoscopic portion, the actuation member having a distal end operatively connected to the tool head and being movable within the endoscopic portion to move the cooperating jaws between the open and closed positions.
47. (New) An endoscopic surgical apparatus according to Claim 46, wherein the actuation member includes a flexible cable.
48. (New) An endoscopic surgical apparatus according to Claim 46, wherein the cooperating jaws are configured as graspers.
49. (New) An endoscopic surgical apparatus according to Claim 46, wherein the endoscopic portion is rotatably mounted to the handle portion.
50. (New) An endoscopic surgical apparatus according to Claim 49, further

including a rotatable collar secured to the proximal end of the endoscopic portion and supported on the handle portion, the collar being rotatable to effect rotation of the endoscopic portion in relation to the handle portion.

51. (New) An endoscopic surgical apparatus according to Claim 46, wherein the handle portion includes a fixed handle and a movable handle, the movable handle being operatively connected to the link and being actuatable to move the link within the endoscopic portion.

52. (New) An endoscopic surgical apparatus according to Claim 51, further including a rod interconnecting the distal end of the link to the articulating portion, the rod being pivotally connected to the link and the articulating portion.

53. (New) An endoscopic surgical apparatus according to Claim 46, wherein the articulating portion is pivotable about a pivot point within a 90° sector of rotation.

54. (New) An endoscopic surgical apparatus according to Claim 46, wherein the cooperating jaws are configured as paddles.

55. (New) An endoscopic surgical apparatus according to Claim 46, wherein the elongated tubular section includes a longitudinal slot extending proximally from the distal end thereof, the articulating portion being pivotally supported within the longitudinal slot.

#### REMARKS

Claims 46-55 remain in this application. By this amendment, Claim 1 has been canceled and Claims 46-55 have been added. No new matter has been added.

It is respectfully submitted that all of the Claims now pending in this application, namely Claims 46-55, are in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested. Should the Examiner feel

that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

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**CHANGE OF CORRESPONDENCE ADDRESS**

Sir:

In accordance with the Manual of Patent Examining Procedures, Section 601.03, please change the mailing address for all correspondence in the above-identified application to:

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Respectfully submitted,

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Dated: February 27, 2002

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